

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In Re: Overby-Seawell Company  
Customer Data Security Breach  
Litigation

Case No. 1:23-md-03056-SDG

**SECOND CONSENT MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

COMES NOW, Plaintiffs by and through the undersigned counsel, and hereby respectfully request the Court enter an Order granting this extension of the deadline for filing their Motion for Preliminary Approval of Class Action Settlement (the “Motion for Preliminary Approval”). Defendants consent to Plaintiffs’ second request for an extension of time.

In support of this consent motion, Plaintiffs show the Court as follows:

1. On December 12, 2023, the Plaintiffs and Defendants Overby-Seawell Company and KeyBank N.A. and KeyCorp (“KeyBank” and together “Defendants”) (collectively, the “Parties”) filed a Joint Status Report where the Parties informed the Court that they reached a class action settlement in principle. [ECF 123.] The Parties requested that the Court continue the stay entered in this matter, including any ruling on the

Defendants' Motions to Dismiss, while the Parties memorialize the terms of their settlement.

2. Plaintiffs requested 60 (sixty) days, or until February 9, 2024, to file a motion for preliminary approval of the class action settlement. [ECF 123.]
3. On December 13, 2024, the Court entered an Order extending the stay until further notice and directed the Parties to file a Motion for Preliminary Approval by February 9, 2024.
4. Plaintiffs requested a prior extension of the deadline to March 1, 2024 to allow the Parties to complete discussions regarding outstanding details in the Term Sheet and to finalize the Term Sheet. The Court granted the Parties' Consent Motion for Extension on February 7, 2024 allowing the Parties up through March 1, 2024 to file the Motion for Preliminary Approval.
5. The Parties have been meeting and conferring and exchanging iterations of the proposed terms.
6. The Parties have worked diligently to agree to and finalize the terms of settlement and have now resolved the outstanding issues and reached final agreement on the Term Sheet.
7. The Parties are now working diligently to finalize the Settlement Agreement and exhibits, including the forms of Notices to Class Members,

the Motion for Preliminary Approval of Class Action Settlement and supporting Memorandum and Exhibits.

8. Pursuant to Fed. R. Civ. P. 6(b), Fed. R. Civ. P. 7(b), Local Rule 7.4, and the Court's Standing Order Regarding Civil Litigation, Section II.g, Plaintiffs respectfully request through March 29, 2024, to finalize the Settlement Agreement, Notices to Class Members and related exhibits to the Settlement Agreement and to file the Motion for Preliminary Approval.

9. The Parties will be prepared to finalize and submit the Settlement Agreement by March 29, 2024. Plaintiffs have prepared a draft of the motion for preliminary approval and supporting memorandum. These documents will be finalized as soon as the Settlement Agreement and its Exhibits are finalized and signed.

10. Accordingly, Plaintiffs verify that this extension is not being sought for the purpose of delay. Instead, it is being sought to finalize the Settlement Agreement, Notices and Exhibits and to finalize the Preliminary Approval filing.

11. Counsel for Plaintiffs have communicated with Defendants' counsel, and Defendants' counsel have no opposition to the relief requested in this motion and consent to the extension of time for Plaintiffs to exchange documents with Defendants' counsel and allow Plaintiffs time to file their

Motion for Preliminary Approval of Class Action Settlement, supporting Memorandum, the Settlement Agreement and its Exhibits.

**WHEREFORE**, Plaintiffs respectfully request that this Court enter an Order allowing Plaintiffs through March 29, 2024, to file their Motion for Preliminary Approval of Class Action Settlement, supporting Memorandum, the Settlement Agreement and its Exhibits. A Proposed Order is attached for the Court's consideration.

Dated: February 26, 2024.

Respectfully submitted,

/s/MaryBeth V. Gibson  
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*Interim Co-Lead Counsel for Plaintiffs and  
the Putative Class*

**CERTIFICATE OF SERVICE & COMPLIANCE**

I hereby certify that on this date I served the **SECOND CONSENT MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** *via* the CM/ECF system, which will automatically provide email notification and service of such filing to counsel of record for all parties registered with the Court for electronic filing.

I further certify that the foregoing pleading has been prepared with Times New Roman, 14-point font, in compliance with L.R. 5.1B.

This 26<sup>th</sup> day of February, 2024.

*/s/ MaryBeth V. Gibson*  
MARYBETH V. GIBSON